

SENATE BILL 381 (LRB -3827)

An Act to renumber 7.52 (6) (a); to renumber and amend 7.52 (5) and 7.52 (6) (b); to amend 5.64 (1) (e) 1., 6.86 (2m) (a), 6.97 (4), 7.15 (4), 7.51 (1), 7.51 (5) (b), 7.515 (6) (b), 7.52 (1) (a), 7.53 (1), 7.53 (2) (d), 7.53 (3) (a), 7.60 (3), 7.60 (5) (a), 9.01 (1) (a) 1., 9.01 (1) (ag) 1., 9.01 (1) (ag) 1m., 9.01 (1) (ag) 2., 9.01 (1) (b) (intro.), 60.11 (2), 60.16 (1), 60.30 (4) (b), 66.1113 (2) (g), 66.1113 (2) (h) and 66.1333 (5m) (b); and to create 5.86 (3) and 7.15 (15) of the statutes; relating to: county and municipal canvassing procedures, provisional ballot information, the deadline for filing a recount petition, terms of town officers, the date of the annual town meeting, and technical revisions to certain election laws.

2012

01-17.	S.	Introduced by Senator Lazich ; cosponsored by Representative Tauchen , by request of Government Accountability Board.	
01-17.	S.	Read first time and referred to committee on Transportation and Elections	652
01-19.	S.	Public hearing held.	
01-24.	S.	Senate amendment 1 offered by Senator Lazich (LRB a2163)	666
02-09.	S.	Executive action taken.	
02-09.	S.	Report adoption of Senate Amendment 1 recommended by committee on Transportation and Elections, Ayes 5, Noes 0	693
02-09.	S.	Report passage as amended recommended by committee on Transportation and Elections, Ayes 5, Noes 0	693
02-09.	S.	Available for scheduling.	
02-13.	S.	Placed on calendar 2-14-2012 and made a special order of business at 12:01 P.M. by committee on Senate Organization, pursuant to Senate Rule 17 (2)	698
02-14.	S.	Read a second time	702
02-14.	S.	Senate amendment 1 adopted	702
02-14.	S.	Senate amendment 2 offered by Senator Lazich (LRB a2308)	702
02-14.	S.	Senate amendment 2 adopted	702
02-14.	S.	Ordered to a third reading	702
02-14.	S.	Rules suspended	702
02-14.	S.	Read a third time and passed	702
02-14.	S.	Ordered immediately messaged	702
02-14.	A.	Received from Senate	793
02-14.	A.	Read first time and referred to committee on Rules	794
02-14.	A.	Placed on calendar 2-16-2012 by committee on Rules.	
02-16.	A.	Rules suspended to withdraw from calendar and take up.	
02-16.	A.	Read a second time.	
02-16.	A.	Ordered to a third reading.	
02-16.	A.	Rules suspended.	
02-16.	A.	Read a third time and concurred in .	
02-16.	A.	Ordered immediately messaged.	
02-17.	S.	Received from Assembly concurred in.	

JP

2011
ENROLLED BILL

11en S B- 381

ADOPTED DOCUMENTS:

☒ Orig

☐ Engr

☐ SubAmdt

11- 382711 ✓

Amendments to above (if none, write "NONE"):

SA 1 - a 2163/2 ✓

SA 2 - a 2308/1 ✓

Corrections - show date (if none, write "NONE"):

NONE ✓

Topic

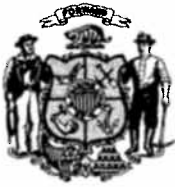
Rel

2-17-12

Date



Enrolling Drafter



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3827/1

JTK:wjl:jm

2011 SENATE BILL 381

January 17, 2012 - Introduced by Senator LAZICH, cosponsored by Representative TAUCHEN, by request of Government Accountability Board. Referred to Committee on Transportation and Elections.

1 **AN ACT** *to renumber* 7.52 (6) (a); *to renumber and amend* 7.52 (5) and 7.52
2 (6) (b); *to amend* 5.64 (1) (e) 1., 6.86 (2m) (a), 6.97 (4), 7.15 (4), 7.51 (1), 7.51 (5)
3 (b), 7.515 (6) (b), 7.52 (1) (a), 7.53 (1), 7.53 (2) (d), 7.53 (3) (a), 7.60 (3), 7.60 (5)
4 (a), 9.01 (1) (a) 1., 9.01 (1) (ag) 1., 9.01 (1) (ag) 1m., 9.01 (1) (ag) 2., 9.01 (1) (b)
5 (intro.), 60.11 (2), 60.16 (1), 60.30 (4) (b), 66.1113 (2) (g), 66.1113 (2) (h) and
6 66.1333 (5m) (b); and *to create* 5.86 (3) and 7.15 (15) of the statutes; **relating**
7 **to:** county and municipal canvassing procedures, provisional ballot
8 information, the deadline for filing a recount petition, terms of town officers, the
9 date of the annual town meeting, and technical revisions to certain election
10 laws.

Analysis by the Legislative Reference Bureau

This bill makes changes to election laws pertaining to municipal and county canvassing procedures, provisional ballot information, the deadline for filing a petition for recounts, the terms of town officers, and the date of the annual town meeting, and makes technical revisions to certain election laws. Significant provisions include:

SENATE BILL 381***Municipal canvass***

Currently, votes cast at polling places are publicly canvassed on election night at those polling places except that a municipality may canvass ballots used with an electronic voting system at a central location on election night and may canvass absentee ballots at a central location no later than 4 p.m. on the Thursday after an election. In municipalities having more than one polling place, the municipal board of canvassers must meet within 24 hours after the polls close to canvass the election. Municipalities must deliver their returns for county, state, and national offices to the appropriate counties by 4 p.m. on the day after each election or, in municipalities where absentee ballots are canvassed by a board of absentee ballot canvassers, by 4 p.m. on the second day after each election. If there are valid absentee ballots that are received by 4 p.m. on the Friday after the election or valid provisional ballots that were cast by electors providing proof of identification by that time, the municipal board of canvassers must reconvene by 9 a.m. on the following Saturday to count the ballots and must adjust the returns accordingly. Municipalities must report their amended returns for county, state, and national elections no later than 4 p.m. on the Saturday following each election. This bill provides that municipal boards of canvassers must meet no later than 9 a.m. on the Monday following each election to canvass or recanvass the returns. If the board of canvassers has met earlier, the board issues amended returns. Under the bill, municipalities must report their returns or amended returns, if any, for county, state, and national offices to the appropriate counties by 4 p.m. on the Monday following each election.

County canvass

Currently, each county board of canvassers must meet no later than 9 a.m. on the Thursday after each election to canvass the election returns. Counties must report their returns for each primary other than the partisan primary no later than seven days after the primary is held. This bill provides that each county board of canvassers must meet no later than 9 a.m. on the Tuesday after each election to canvass the election returns. Under the bill, counties must report their returns for each primary other than the partisan primary no later than nine days after the primary is held.

Posting of provisional ballot information

This bill directs each municipal clerk and board of election commissioners, as soon as possible after the polls close on election night, to post at their offices and on the Internet at a site announced by the clerk or board before the polls open, a statement of the number of outstanding provisional ballots that have been cast by electors of the municipality in the election as of the closing hour for all polling places in the municipality that cannot be counted as of that hour because the electors have not satisfied relevant voting requirements. Currently, municipal clerks must post similar information in the same manner concerning the number of absentee ballots returned and the number of absentee ballots mailed or transmitted but not returned, but need not post provisional ballot information.

SENATE BILL 381***Deadline for recount petitions to be filed***

Currently, the latest time that a petition for a recount may be filed is not earlier than the time of completion of the municipal or county canvass at which the election is determined prior to any necessary reopening for the counting of valid absentee and provisional ballots and not later than 5 p.m. on the third business day following the last meeting day of the board of canvassers that makes the determination prior to any necessary reopening. For state and national offices and statewide referenda, the latest time that a petition may be filed is 5 p.m. on the third business day after the last meeting day of the last county board of canvassers to make a determination with respect to the office or referendum. Under this bill, the latest time that a petition for a recount may be filed is the third business day following the last meeting day of the board of canvassers that makes the determination following completion of any necessary reopening for the counting of provisional and absentee ballots. For state and national offices and statewide referenda, the latest time that a petition may be filed is determined, as under current law, with reference to the last meeting day of the last county board of canvassers to make a determination with respect to the office or referendum.

Terms of town officers; date of annual town meeting

Currently, the terms of town officers begin on the second Tuesday in April. The annual town meeting is held on the second Tuesday in April unless a town votes to change the date to a date that is no later than the tenth day following the second Tuesday in April. Under this bill, the terms of town officers begin on the third Tuesday in April. In the year in which this bill becomes law, there will be a seven-day period from the end of the prior terms until the beginning of the new terms, and towns fill the resulting vacancies during this period in accordance with current law. The bill also changes the date of the annual town meeting to the third Tuesday in April unless a town votes to change the date to a date that is no later than the tenth day following the third Tuesday in April.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 5.64 (1) (e) 1. of the statutes is amended to read:

2 5.64 **(1)** (e) 1. Except as provided in subd. 2., each candidate's name shall be
3 placed in the column of the party by which nominated or if independent, in a column
4 designated independent and all candidates for the same office shall appear within
5 the same rows on the ballot. If a separate column is provided to write in the names
6 of any party candidates under subd. 2., the column shall appear before the column
7 designated independent with the spaces provided to write in the names of the

SENATE BILL 381**SECTION 1**

1 candidates for each such party appearing in the same order in which the columns of
2 their parties would appear under par. (b). Along with the names of the independent
3 candidates shall appear the party or principle of the candidates, if any, in 5 words
4 or less, as shown on their nomination papers. Independent candidates for the same
5 county office shall be listed in the same manner in an order drawn by lot by or under
6 supervision of the county clerk or board of election commissioners. ~~The board shall~~
7 ~~conduct a redrawing for purposes of determining the arrangement of independent~~
8 ~~candidates for state office who appeared on the primary ballot in the manner~~
9 ~~provided in s. 5.60 (1) (b).~~

10 **SECTION 2.** 5.86 (3) of the statutes is created to read:

11 5.86 (3) Upon completion of the central count at a county seat, the county clerk
12 shall return any ballots, statements, tally sheets, or envelopes relating solely to a
13 municipal election to the appropriate municipal clerk and any ballots, statements,
14 tally sheets, or envelopes relating solely to a school district election to the school
15 district clerk. In addition, the county clerk shall report the results of the central
16 count of votes for each office or referendum by ward or by combined wards authorized
17 under s. 5.15 (6) (b) to the municipal clerk of the municipality where the votes are
18 cast.

19 **SECTION 3.** 6.86 (2m) (a) of the statutes, as affected by 2011 Wisconsin Act 23,
20 is amended to read:

21 6.86 (2m) (a) Except as provided in this subsection, any elector other than an
22 elector who receives an absentee ballot under sub. (2) or s. 6.22 (4) or 6.24 (4) (c) may
23 by written application filed with the municipal clerk of the municipality where the
24 elector resides require that an absentee ballot be sent ~~or transmitted~~ to the elector
25 automatically for every election that is held within the same calendar year in which

SENATE BILL 381

1 the application is filed. The application form and instructions shall be prescribed by
2 the board, and furnished upon request to any elector by each municipal clerk. The
3 municipal clerk shall thereupon mail ~~or transmit~~ an absentee ballot to the elector for
4 all elections that are held in the municipality during the same calendar year that the
5 application is filed, except that the clerk shall not send an absentee ballot for an
6 election if the elector's name appeared on the registration list in eligible status for
7 a previous election following the date of the application but no longer appears on the
8 list in eligible status. The municipal clerk shall ensure that any envelope containing
9 the absentee ballot is clearly marked as not forwardable. If an elector who files an
10 application under this subsection no longer resides at the same address that is
11 indicated on the application form, the elector shall so notify the municipal clerk. The
12 municipal clerk shall discontinue mailing ~~or transmitting~~ absentee ballots to an
13 elector under this subsection upon receipt of reliable information that the elector no
14 longer qualifies as an elector of the municipality. In addition, the municipal clerk
15 shall discontinue mailing ~~or transmitting~~ absentee ballots to an elector under this
16 subsection if the elector fails to return any absentee ballot mailed ~~or transmitted~~ to
17 the elector. The municipal clerk shall notify the elector of any such action not taken
18 at the elector's request within 5 days, if possible. An elector who fails to cast an
19 absentee ballot but who remains qualified to receive absentee ballots under this
20 subsection may then receive absentee ballots for subsequent elections by notifying
21 the municipal clerk that the elector wishes to continue receiving absentee ballots for
22 subsequent elections.

23 **SECTION 4.** 6.97 (4) of the statutes is amended to read:

24 6.97 (4) Whenever a board of canvassers receives timely notification from the
25 municipal clerk or executive director of the board of election commissioners under

SENATE BILL 381**SECTION 4**

1 sub. (3) that an individual who has voted under this section is qualified to vote in the
2 ward or election district where the individual's ballot is cast, the board of canvassers
3 shall ~~promptly reconvene and meet no later than 9 a.m. on the Monday following the~~
4 election. The board of canvassers shall proceed to record the name of the individual
5 who has cast the ballot and, if the ballot cast by the individual is otherwise valid,
6 shall count the ballot and adjust the statements, certifications, and determinations
7 accordingly. If the municipal clerk or executive director transmits returns of the
8 election to the county clerk or board of election commissioners, the municipal clerk
9 or executive director shall transmit to the county clerk or board of election
10 commissioners a copy of the amended returns together with amended tally sheets
11 and all additional ballots counted reviewed by each the board of canvassers.

12 **SECTION 5.** 7.15 (4) of the statutes is amended to read:

13 7.15 (4) RECORDING ELECTORS. ~~Within~~ Except as authorized in s. 6.33 (5) (a),
14 within 30 days after each election, the municipal clerk shall enter on the registration
15 list under the name of each elector of the municipality who has voted at the election
16 an indication of the date of the election in which the elector voted.

17 **SECTION 6.** 7.15 (15) of the statutes is created to read:

18 7.15 (15) PROVIDE NOTICE OF OUTSTANDING PROVISIONAL BALLOTS. As soon as
19 possible after the closing hour for all polling places in the municipality on election
20 night, the municipal clerk shall post at his or her office and on the Internet at a site
21 announced by the clerk before the polls open, and shall make available to any person
22 upon request, a statement of the number of electors who have cast provisional ballots
23 at the election in the municipality that cannot be counted as of that closing hour
24 because the electors have not satisfied relevant voting requirements.

25 **SECTION 7.** 7.51 (1) of the statutes is amended to read:

SENATE BILL 381

1 7.51 (1) CANVASS PROCEDURE. Immediately after the polls close the inspectors
2 except any inspector appointed under s. 7.30 (1) (b) shall proceed to canvass publicly
3 all votes received at the polling place. In any municipality where an electronic voting
4 system is used, the municipal governing body or board of election commissioners may
5 provide or authorize the municipal clerk or executive director of the board of election
6 commissioners to provide for the adjournment of the canvass to one or more central
7 counting locations for specified polling places in the manner prescribed in subch. III
8 of ch. 5. No central counting location may be used to count votes at a polling place
9 where an electronic voting system is not employed. The canvass, whether conducted
10 at the polling place or at a central counting location, shall continue without
11 adjournment until the canvass of all ballots cast and received on or before election
12 day is completed and the return statement is made or, in municipalities where
13 absentee ballots are canvassed under s. 7.52, until the canvass of all absentee ballots
14 cast and received on or before election day is completed and the return statement for
15 those ballots is made. The inspectors shall not permit access to the name of any
16 elector who has obtained a confidential listing under s. 6.47 (2) during the canvass,
17 except as authorized in s. 6.47 (8).

18 **SECTION 8.** 7.51 (5) (b) of the statutes, as affected by 2011 Wisconsin Act 75, is
19 amended to read:

20 7.51 (5) (b) The municipal clerk shall deliver all ballots, statements, tally
21 sheets, lists, and envelopes relating to a school district election to the school district
22 clerk, excluding any absentee ballots that are received after the closing hour on
23 election night and any provisional ballots, by 4 p.m. on the day following each such
24 election and shall deliver to the school district clerk any amended statements, tally
25 sheets, and lists for additional provisional and absentee ballots canvassed under s.

SENATE BILL 381**SECTION 8**

1 6.97 (4) or 7.515 (6) (b) no later than 4 p.m. on the Monday after the election. The
2 municipal clerk shall deliver to the county clerk the ballots, statements, tally sheets,
3 lists, and envelopes for his or her municipality relating to any county, technical
4 college district, state, or national election ~~to the county clerk~~ no later than 4 p.m. on
5 the day following each such election or, in municipalities where absentee ballots are
6 canvassed under s. 7.52, by 4 p.m. on the 2nd day following each such election, and
7 shall deliver to the county clerk any additional provisional and absentee ballots
8 canvassed under s. 6.97 (4) or 7.515 (6) (b) together with amended statements, tally
9 sheets, lists, and envelopes no later than 4 p.m. on the ~~day after receiving any~~
10 ~~corrected returns under s. 7.515 (6) (b)~~ Monday after the election. The person
11 delivering the returns shall be paid out of the municipal treasury. Each clerk shall
12 retain ballots, statements, tally sheets, or envelopes received by the clerk until
13 destruction is authorized under s. 7.23 (1).

14 **SECTION 9.** 7.515 (6) (b) of the statutes, as affected by 2011 Wisconsin Act 75,
15 is amended to read:

16 7.515 (6) (b) Whenever a board of canvassers receives notification from a
17 municipal clerk under par. (a), the board of canvassers shall ~~reconvene~~ meet no later
18 than 9 a.m. on the ~~day~~ Monday after the ~~last day permitted for acceptance of absentee~~
19 ~~ballots under sub. (3) and election.~~ The board of canvassers shall proceed to open and
20 record the names of the absentee electors whose ballots have been received. If the
21 ballot cast by an absentee elector is otherwise valid, the board of canvassers shall
22 count the ballot and adjust the statements, certifications, and determinations
23 accordingly. If the municipal clerk transmits returns of the election to the county
24 clerk, the municipal clerk shall transmit to the county clerk a copy of the amended

SENATE BILL 381

1 returns together with all additional ballots and envelopes reviewed by the board of
2 canvassers and with amended tally sheets.

3 **SECTION 10.** 7.52 (1) (a) of the statutes is amended to read:

4 7.52 (1) (a) The governing body of any municipality may provide by ordinance
5 that, in lieu of canvassing absentee ballots at polling places under s. 6.88, the
6 municipal board of absentee ballot canvassers designated under s. 7.53 (2m) shall,
7 at each election held in the municipality, canvass all absentee ballots at all elections
8 held in the municipality received by the municipal clerk by 8 p.m. on election day.

9 Prior to enacting an ordinance under this subsection, the municipal clerk or board
10 of election commissioners of the municipality shall notify the board in writing of the
11 proposed enactment and shall consult with the board concerning administration of
12 this section. At every election held in the municipality following enactment of an
13 ordinance under this subsection, the board of absentee ballot canvassers shall, any
14 time after the opening of the polls and before 10 p.m. on election day, publicly convene
15 to count the absentee ballots for the municipality. The municipal clerk shall give at
16 least 48 hours' notice of any meeting under this subsection. Any member of the public
17 has the same right of access to a meeting of the municipal board of absentee ballot
18 canvassers under this subsection that the individual would have under s. 7.41 to
19 observe the proceedings at a polling place. The board of absentee ballot canvassers
20 may order the removal of any individual exercising the right to observe the
21 proceedings if the individual disrupts the meeting.

22 **SECTION 11.** 7.52 (5) of the statutes is renumbered 7.52 (5) (a) and amended to
23 read:

24 7.52 (5) (a) The vote of any absent elector may be challenged by any elector for
25 cause and the board of absentee ballot canvassers shall have all the power and

SENATE BILL 381**SECTION 11**

1 authority given the inspectors to hear and determine the legality of the ballot the
2 same as if the ballot had been voted in person.

3 **SECTION 12.** 7.52 (6) (a) of the statutes is renumbered 7.52 (6).

4 **SECTION 13.** 7.52 (6) (b) of the statutes, as affected by 2011 Wisconsin Act 23,
5 is renumbered 7.52 (5) (b) and amended to read:

6 7.52 (5) (b) ~~Any elector may challenge for cause any absentee ballot.~~ For the
7 purpose of deciding upon ballots that are challenged for any reason, the board of
8 absentee ballot canvassers may call before it any person whose absentee ballot is
9 challenged if the person is available to be called. If the person challenged refuses to
10 answer fully any relevant questions put to him or her by the board of absentee ballot
11 canvassers under s. 6.92, the board of absentee ballot canvassers shall reject the
12 person's vote. If the challenge is not withdrawn after the person offering to vote has
13 answered the questions, one of the members of the board of absentee ballot
14 canvassers shall administer to the person the following oath or affirmation: "You do
15 solemnly swear (or affirm) that: you are 18 years of age; you are a citizen of the United
16 States; you are now and for 28 consecutive days have been a resident of this ward
17 except under s. 6.02 (2), stats.; you have not voted at this election; you have not made
18 any bet or wager or become directly or indirectly interested in any bet or wager
19 depending upon the result of this election; you are not on any other ground
20 disqualified to vote at this election." If the person challenged refuses to take the oath
21 or affirmation, the person's vote shall be rejected. If the person challenged answers
22 fully all relevant questions put to the elector by the board of absentee ballot
23 canvassers under s. 6.92, takes the oath or affirmation, and fulfills the applicable
24 registration requirements, and if the answers to the questions given by the person

SENATE BILL 381

1 indicate that the person meets the voting qualification requirements, the person's
2 vote shall be received.

3 SECTION 14. 7.53 (1) of the statutes is amended to read:

4 7.53 (1) ~~MUNICIPALITIES WITH ONE POLLING PLACE~~ Where the municipality
5 constitutes one ward or combines all wards to utilize a single polling place under s.
6 5.15 (6) (b), the canvass of the votes cast at the polling place shall be conducted
7 publicly under s. 7.51 and the inspectors, other than any inspector appointed under
8 s. 7.30 (1) (b), shall act as the municipal board of canvassers. The inspectors shall
9 then complete the return statement for all votes cast at the polling place. If there are
10 no provisional ballots that are eligible to be counted under s. 6.97 and the municipal
11 clerk has not mailed or transmitted absentee ballots to any electors of the
12 municipality that have not been returned by election night, and no absentee ballots
13 are being canvassed under s. 7.52, the inspectors may complete and sign the canvass
14 statement and determination on election night. In municipalities where absentee
15 ballots are canvassed under s. 7.52, after the canvass of the absentee ballots is
16 completed under s. 7.52, the board of absentee ballot canvassers shall reconcile the
17 poll list of the electors who vote by absentee ballot with the corresponding poll list
18 of the electors who vote in person to ensure that no elector is allowed to cast more
19 than one ballot. If an elector who votes in person has submitted an absentee ballot,
20 the absentee ballot is void. ~~If~~ one or more electors of the municipality have cast
21 provisional ballots that are eligible to be counted under s. 6.97 or if the municipal
22 clerk receives one or more absentee ballots by 4 p.m. on the Friday after the election
23 that are eligible to be counted under s. 7.515 (6) (b), the inspectors, acting as the
24 board of canvassers, shall reconvene no later than 9 a.m. on the Monday after the
25 election to count the valid provisional and absentee ballots and shall adjust the

SENATE BILL 381

SECTION 14

INS. SA2-4

1 returns accordingly. Upon completion of the canvass under this subsection and any
2 canvass that is conducted under s. 7.52 and ascertainment of the results by the
3 inspectors or, in municipalities where absentee ballots are canvassed under s. 7.52,
4 by the inspectors and the board of absentee ballot canvassers, the municipal clerk
5 shall publicly read to the inspectors or the board of absentee ballot canvassers the
6 names of the persons voted for and the number of votes for each person for each
7 municipal office, the names of the persons declared by the inspectors or board of
8 absentee ballot canvassers to have won nomination or election to each municipal
9 office, and the number of votes cast for and against each municipal referendum
10 question.

INS. SA2-5

11 SECTION 15. 7.53 (2) (d) of the statutes is amended to read:

12 7.53 (2) (d) The In municipalities with one polling place, the canvass shall be
13 conducted under sub. (1) publicly on election night. In other municipalities, the
14 municipal board of canvassers shall publicly canvass the returns of every election.
15 The canvass shall begin within 24 hours after the polls close no earlier than the time
16 that the municipal board of canvassers receives the returns from all polling places
17 in the municipality on election night and no later than 9 a.m. on the Monday after
18 the election. After any canvass of the absentee ballots is completed under s. 7.52, the
19 board of canvassers shall reconcile the poll list of the electors who vote by absentee
20 ballot with the corresponding poll list of the electors who vote in person to ensure that
21 no elector is allowed to cast more than one ballot. If an elector who votes in person
22 has submitted an absentee ballot, the absentee ballot is void. At the spring election,
23 the board of canvassers shall publicly declare the results on or before the ~~2nd~~ 3rd
24 Tuesday in April. The board of canvassers shall prepare a statement showing the
25 results of each election for any municipal office and each municipal referendum.

SENATE BILL 381

1 After each primary for municipal offices, the board of canvassers shall prepare a
2 statement certifying the names of those persons who have won nomination to office.

3 After each other election for a municipal office and each municipal referendum, the
4 board of canvassers shall prepare a determination showing the names of the persons
5 who are elected to each municipal office and the results of each municipal
6 referendum. The board of canvassers shall file each statement and determination
7 in the office of the municipal clerk or board of election commissioners.

8 **SECTION 16.** 7.53 (3) (a) of the statutes is amended to read:

9 7.53 (3) (a) In a common, union high or unified school district, the school district
10 clerk shall appoint 2 qualified electors of the school district prior to the date of the
11 election being canvassed who shall, with the school district clerk, constitute the
12 school district board of canvassers. If the school district clerk is a candidate at the
13 election being canvassed, the other 2 members of the board of canvassers shall
14 designate a 3rd member to serve in lieu of the clerk for that election. The school
15 district clerk shall appoint a member to fill any other temporary vacancy on the board
16 of canvassers. The canvass shall begin ~~as soon as possible after receipt of the returns~~
17 no later than 9 a.m. on the Tuesday after the election, and shall continue, without
18 adjournment, until completed. The board of canvassers may return defective returns
19 to the municipal board of canvassers in the manner provided in s. 7.60 (3). ~~The~~ If the
20 board of canvassers meets before 4 p.m. on the Monday after the election and
21 thereafter receives amended statements, tally sheets, and lists from a municipal
22 clerk for provisional or absentee ballots that are eligible to be counted under s. 6.97
23 (4) or 7.515 (6) (b), the board of canvassers shall reconvene no later than 9 a.m. on
24 the Tuesday after the election and shall adjust the returns accordingly. No later than
25 4 p.m. on the Tuesday after the election, the board of canvassers shall complete the

SENATE BILL 381**SECTION 16**

1 canvass and shall prepare a written statement showing the numbers of votes cast for
2 each person for each office and for and against each question and shall prepare a
3 determination showing the names of the persons who are elected to the school board
4 and the results of any school district referendum. Following each primary election,
5 the board of canvassers shall prepare a statement certifying the names of the persons
6 who have won nomination to the school board. Each statement and determination
7 shall be attested by each of the canvassers. The board of canvassers shall file each
8 statement and determination in the school district office. The school district clerk
9 shall certify nominations after each primary and issue certificates of election to
10 persons who are elected to the school board after each election in the manner
11 provided in sub. (4).

12 **SECTION 17.** 7.60 (3) of the statutes is amended to read:

13 7.60 (3) CANVASSING. Not later than 9 a.m. on the ~~Thursday~~ Tuesday after each
14 election the county board of canvassers shall open and publicly examine the returns.
15 If returns have not been received from any election district or ward in the county,
16 they shall dispatch a messenger and the person having them shall deliver the
17 returns to the messenger. If, on examination, any of the returns received are so
18 informal or defective that the board cannot intelligently canvass them, they shall
19 dispatch a messenger to deliver the returns back to the municipal board of
20 canvassers with written specifications of the informalities or defects and command
21 them to immediately complete the returns or remedy the defects in the manner
22 required and deliver them to the messenger. Every messenger shall safely keep all
23 returns, show them to no one but the municipal clerk and board of canvassers and
24 deliver them to the county clerk with all possible dispatch. To acquire the necessary

SENATE BILL 381

1 full returns and remedy any informalities or defects the county board of canvassers
2 may adjourn not longer than one day at a time nor more than 2 days in all.

3 **SECTION 18.** 7.60 (5) (a) of the statutes, as affected by 2011 Wisconsin Act 75,
4 is amended to read:

5 7.60 (5) (a) Immediately following the canvass, the county clerk shall deliver
6 or ~~send~~ transmit to the government accountability board, ~~by 1st class mail~~, a certified
7 copy of each statement of the county board of canvassers for president and vice
8 president, state officials, senators and representatives in congress, state legislators,
9 justice, court of appeals judge, circuit judge, district attorney, and metropolitan
10 sewerage commissioners, if the commissioners are elected under s. 200.09 (11) (am).
11 The statement shall record the returns for each office or referendum by ward, unless
12 combined returns are authorized under s. 5.15 (6) (b) in which case the statement
13 shall record the returns for each group of combined wards. Following primaries the
14 county clerk shall enclose on forms prescribed by the government accountability
15 board the names, party or principle designation, if any, and number of votes received
16 by each candidate recorded in the same manner. The county clerk shall deliver or
17 transmit the certified statement to the government accountability board no later
18 than ~~7~~ 9 days after each primary except the partisan primary, no later than 10 days
19 after the partisan primary and any other election except the general election, and no
20 later than 14 days after the general election. The board of canvassers shall deliver
21 or transmit a certified copy of each statement for any technical college district
22 referendum to the secretary of the technical college district board.

23 **SECTION 19.** 9.01 (1) (a) 1. of the statutes, as affected by 2011 Wisconsin Act 75,
24 is amended to read:

SENATE BILL 381**SECTION 19**

1 9.01 (1) (a) 1. Any candidate voted for at any election or any elector who voted
2 upon any referendum question at any election may petition for a recount. The
3 petitioner shall file a verified petition or petitions with the proper clerk or body under
4 par. (ar) not earlier than the time of completion of the canvass following canvassing
5 of any valid provisional and absentee ballots under ss. 6.97 (4) and 7.515 (6) and,
6 except as provided in this subdivision, not later than 5 p.m. on the 3rd business day
7 following the last meeting day of the municipal or county board of canvassers
8 determining the election for that office or on that referendum question ~~prior to~~
9 ~~issuance of any amended return under s. 7.515 (6) (b) following canvassing of all valid~~
10 provisional and absentee ballots or, if more than one board of canvassers makes the
11 determination, not later than 5 p.m. on the 3rd business day following the last
12 meeting day of the last board of canvassers which makes a determination ~~prior to~~
13 ~~issuance of any amended return under s. 7.515 (6) (b) following canvassing of all valid~~
14 provisional and absentee ballots. If the chairperson of the board or chairperson's
15 designee makes the determination for the office or the referendum question, the
16 petitioner shall file the petition not earlier than the last meeting day of the last
17 county board of canvassers to make a statement in the election or referendum
18 following canvassing of all valid provisional and absentee ballots and not later than
19 5 p.m. on the 3rd business day following the day on which the government
20 accountability board receives the last statement from a county board of canvassers
21 for the election or referendum following canvassing of all valid provisional and
22 absentee ballots.

23 **SECTION 20.** 9.01 (1) (ag) 1. of the statutes, as affected by 2011 Wisconsin Act
24 75, is amended to read:

SENATE BILL 381

1 9.01 (1) (ag) 1. If the difference between the votes cast for the leading candidate
2 and those cast for the petitioner or the difference between the affirmative and
3 negative votes cast upon any referendum question is less than 10 if 1,000 or less votes
4 are cast or not more than 0.5% of the total votes cast for the office or on the question
5 if more than 1,000 votes are cast ~~prior to issuance of any amended return under s.~~
6 ~~7.515 (6) (b)~~ following canvassing of all valid provisional and absentee ballots, the
7 petitioner is not required to pay a fee.

8 **SECTION 21.** 9.01 (1) (ag) 1m. of the statutes, as affected to 2011 Wisconsin Act
9 75, is amended to read:

10 9.01 (1) (ag) 1m. If the difference between the votes cast for the leading
11 candidate and those cast for the petitioner or the difference between the affirmative
12 and negative votes cast upon any referendum question is at least 10 if 1,000 or less
13 votes are cast or is more than 0.5% but not more than 2% if more than 1,000 votes
14 are cast ~~prior to issuance of any amended return under s. 7.515 (6) (b)~~ following
15 canvassing of all valid provisional and absentee ballots, the petitioner shall pay a fee
16 of \$5 for each ward for which the petition requests a ballot recount, or \$5 for each
17 municipality for which the petition requests a recount where no wards exist.

18 **SECTION 22.** 9.01 (1) (ag) 2. of the statutes, as affected by 2011 Wisconsin Act
19 75, is amended to read:

20 9.01 (1) (ag) 2. If the difference between the votes cast for the leading candidate
21 and those cast for the petitioner or the difference between the affirmative and
22 negative votes cast upon any referendum question is more than 2% if more than
23 1,000 votes are cast ~~prior to issuance of any amended return under s. 7.515 (6) (b)~~
24 following canvassing of all valid provisional and absentee ballots, the petitioner shall
25 pay a fee equal to the actual cost of performing the recount in each ward for which

SENATE BILL 381**SECTION 22**

1 the petition requests a recount, or in each municipality for which the petition request
2 a recount where no wards exist.

3 **SECTION 23.** 9.01 (1) (b) (intro.) of the statutes, as affected by 2011 Wisconsin
4 Act 75, is amended to read:

5 9.01 (1) (b) (intro.) The proper board of canvassers shall reconvene no earlier
6 than 9 a.m. on the day following delivery of notice to all candidates under sub. (2) and
7 no later than 9 a.m. on the day following the last day for filing of a petition, ~~or if the~~
8 ~~original canvass is subject to correction under s. 7.515 (6) (b), immediately after~~
9 ~~issuance of the amended statement and determination in the original canvass,~~
10 ~~whichever is later.~~ The board of canvassers shall then proceed to recount the ballots
11 in the wards or municipalities specified and to review the allegations of fact
12 contained in the petition or petitions. The recount shall proceed for each ward or
13 municipality as follows:

14 **SECTION 24.** 60.11 (2) of the statutes is amended to read:

15 60.11 (2) WHEN HELD. (a) Except as provided in par. (b), the annual town
16 meeting shall be held on the ~~2nd~~ 3rd Tuesday of April.

17 (b) The annual town meeting may set a date different than provided under par.

18 (a) for the next annual town meeting if the date is within 10 days after the ~~2nd~~ 3rd
19 Tuesday of April.

20 **SECTION 25.** 60.16 (1) of the statutes is amended to read:

21 60.16 (1) WHEN HELD. The first town meeting in a newly organized town shall
22 be held at 8 p.m. on the ~~2nd~~ 3rd Tuesday of the first April after the town is organized.
23 If the ~~2nd~~ 3rd Tuesday of the first April after a town is organized has passed and the
24 first town meeting has not been held, 3 qualified electors of the town may call the first

SENATE BILL 381

1 town meeting any time thereafter by posting notice of the town meeting in at least
2 3 public places at least 10 days prior to the date of the meeting.

3 SECTION 26. 60.30 (4) (b) of the statutes is amended to read:

4 60.30 (4) (b) The regular term of elected town officers, other than the town
5 assessor, commences on the ~~2nd~~ 3rd Tuesday of April in the year of their election.
6 The regular term of an elected assessor commences on June 1 in the year of the
7 assessor's election.

INSERT SA 1-1

8 SECTION 27. 66.1113 (2) (g) of the statutes, as affected by 2011 Wisconsin Act
9 75, is amended to read:

10 66.1113 (2) (g) The village of Sister Bay may enact an ordinance or adopt a
11 resolution declaring itself to be a premier resort area under par. (a) even if less than
12 40 percent of the equalized assessed value of the taxable property within Sister Bay
13 is used by tourism-related retailers. The village may not impose the tax authorized
14 under par. (b) unless the village board adopts a resolution proclaiming its intent to
15 impose the tax and the resolution is approved by a majority of the electors in the
16 village voting on the resolution at a referendum, to be held at the first spring primary
17 or election or partisan primary or general election following by at least 45 70 days
18 the date of adoption of the resolution.

19 SECTION 28. 66.1113 (2) (h) of the statutes, as affected by 2011 Wisconsin Act
20 75, is amended to read:

21 66.1113 (2) (h) The village of Ephraim may enact an ordinance or adopt a
22 resolution declaring itself to be a premier resort area under par. (a) even if less than
23 40 percent of the equalized assessed value of the taxable property within Ephraim
24 is used by tourism-related retailers. The village may not impose the tax authorized
25 under par. (b) unless the village board adopts a resolution proclaiming its intent to

SENATE BILL 381

SECTION 28

1 impose the tax and the resolution is approved by a majority of the electors in the
2 village voting on the resolution at a referendum, to be held at the first spring primary
3 or election or partisan primary or general election following by at least 45 70 days
4 the date of adoption of the resolution.

5 **SECTION 29.** 66.1333 (5m) (b) of the statutes is amended to read:

6 66.1333 (5m) (b) The redevelopment authority shall submit the resolution
7 authorizing the issuance of bonds under par. (a) to the common council for review.
8 If the common council disapproves the resolution within 45 70 days after its
9 submission, no bonds may be issued under the authority of the resolution.

SA1-2

INSERT
SA1-3

10 **SECTION 30. Initial applicability.**

11 (1) The treatment of sections 5.86 (3), 6.97 (4), 7.15 (15), 7.51 (1) and (5) (b),
12 7.515 (6) (b), 7.52 (1) (a), (5), and (6) (a) and (b), 7.53 (1), (2) (d), and (3) (a), 7.60 (3)
13 and (5) (a), and 9.01 (1) (a) 1. and (ag) 1., 1m., and 2. and (b) (intro.) of the statutes
14 first applies with respect to canvassing and recounts of elections held on or after the
15 effective date of this subsection.

INSERT SA1-4

16 (END)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa2163/2

JTK:med:rs

SENATE AMENDMENT 1,
TO 2011 SENATE BILL 381

January 24, 2012 - Offered by Senator LAZICH.

At the locations indicated, amend the bill as follows:

SA 1-1

1. Page 19, line 7: after that line insert:

SECTION 26g. 66.0213 (4) (b) of the statutes is amended to read:

66.0213 (4) (b) The election shall be conducted as prescribed by ch. 6, ~~except that no registration of voters may be required.~~ The inspectors shall make returns to the clerk of the circuit court who shall, within ~~one week~~ 14 days after the election, canvass the returns and declare the result. The clerk shall notify the officers-elect and issue certificates of election. If the first election is on the first Tuesday in April the officers elected and their appointees shall commence and hold their offices as for a regular term. Otherwise they shall commence within ~~10~~ 14 days and hold their offices until the regular village or city election and the qualification of their successors and the terms of their appointees expire as soon as successors qualify.

SECTION 26r. 66.0215 (9) of the statutes is amended to read:

SA1-1

66.0215 (9) FIRST CITY ELECTION. Within 10 days after incorporation of the city, the town board and the town clerk who received the petition shall fix a time for the first city election, designate the polling place or places, and name 3 inspectors of election for each place. Ten days' previous notice of the election shall be given by the clerk by publication in the newspapers selected under sub. (3) and by posting notices in 3 public places in the city. Failure to give notice does not invalidate the election. The election shall be conducted as is prescribed by chs. 5 to 12, ~~except that no registration of voters may be required.~~ The inspectors shall make returns to the board which shall, within ~~one week~~ 14 days after the election, canvass the returns and declare the result. The clerk shall notify the officers-elect and issue certificates of election. If the first election is on the first Tuesday in April the officers elected and their appointees commence and hold their offices as for a regular term. Otherwise they commence within ~~10~~ 14 days and hold until the regular city election and the qualification of their successors, and the term of their appointees expires as soon as successors qualify".

✓ 2. Page 20, line 5: delete lines 5 to 9.

✓ 3. Page 20, line 9: after that line insert:

SA1-3

"SECTION 29m. Nonstatutory provisions.

(1) (a) Notwithstanding sections 17.25 (1) and 60.30 (4) (a) of the statutes, any town board of supervisors may enact an ordinance providing that the terms of office of any elective officers in the town who were elected or appointed to serve for terms expiring on the 2nd Tuesday in April of 2012 or 2013 are extended so as to expire on the 3rd Tuesday in April in the same year in which the terms would otherwise expire.

(b) Paragraph (a) does not apply after April 16, 2013".

SA 1-4

4. Page 20, line 15: after that line insert:

SECTION 31. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of sections 60.11 (2) and 60.16 (1) of the statutes takes effect on January 1, 2013.

(END)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa2308/1
JTK:jld:jf

SENATE AMENDMENT 2,
TO 2011 SENATE BILL 381

February 14, 2012 - Offered by Senator Lazich.

*** AUTHORS SUBJECT TO CHANGE ***

1 At the locations indicated, amend the bill as follows:

2 ✓ 1. Page 11, line 3: after "is" insert renumbered 7.53 (1) (a) and.

3 ✓ 2. Page 11, line 4: delete "MUNICIPALITIES WITH ONE POLLING PLACE." and
4 substitute (a).

5 ✓ 3. Page 11, line 20: delete "If" and substitute Except as authorized in par. (b).
6 if.

7 ✓ 4. Page 12, line 1: delete "subsection" and substitute subsection paragraph.

8 ✓ 5. Page 12, line 10: after that line insert:

9 SECTION 14m. 7.53 (1) (b) of the statutes is created to read:

10 7.53 (1) (b) Solely for purposes of the reconvention of a board of canvassers
11 under par. (a) for a specific election, the municipal clerk may determine to replace
12 the members of the board of canvassers with a 3-member board of canvassers

1 consisting of the clerk, the chief inspector, and one other inspector who shall be
2 appointed by the clerk. If the municipal clerk is a candidate at the election being
3 canvassed or is unable to serve, the other 2 members shall appoint a qualified elector
4 of the municipality to serve in place of the clerk. If one of the other members is unable
5 to serve, the municipal clerk shall appoint a qualified elector of the municipality to
6 serve in place of that member. The person or persons making any appointment under
7 this paragraph shall do so by letter which shall be signed by the person or persons,
8 dated, and filed in the office of the municipal clerk. Upon the appointment and
9 qualification of all members, the reconstituted board of canvassers shall then
10 reconvene and carry out its responsibilities under par. (a)."

11 (END)

SA2-5